

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1248 - SB 1470**

March 31, 2021

**SUMMARY OF BILL:** Expands the Class D felony offense of theft to include theft of a firearm from a law enforcement vehicle valued less than \$10,000.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$95,200 Incarceration\***

**Decrease Local Expenditures – \$6,600/FY21-22 and Subsequent Years**

**Assumptions:**

- This analysis assumes the average price of a firearm is less than \$1,000; therefore, theft of a firearm is a Class A misdemeanor under current law.
- It is estimated an average of 300 individuals per year are admitted to local incarceration for theft of a firearm.
- The proposed legislation will result in one percent, or 3 (300 x 1%), of local admissions being enhanced to Class D felony admissions.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average time served for a Class D felony is 1.08 years.
- Pursuant to Tenn. Code Ann. § 9-4-210, three offenders will be admitted every year serving 394.47 days (1.08 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$95,217 (\$80.46 x 394.47 x 3).
- Pursuant to Tenn. Code Ann. § 39-14-105(d), theft of a firearm is required to be punished by a minimum of 30 days confinement.
- Based on the 2020 Fiscal Review Committee survey, the weighted average cost to local governments to house an inmate in a local jail facility is \$73 per day.
- The proposed legislation will result in a recurring decrease in local incarceration expenditures estimated to be \$6,570 (\$73 x 3 offenders x 30 days) in FY21-22 and subsequent years.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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